

## **Ordinance No. 2020-13**

### **An Emergency Ordinance relating to outdoor dining**

---

The City of Minnetonka Ordains:

#### **Section 1. Preamble**

On March 16, 2020, Mayor Brad Wiersum declared a local state of emergency which the Minnetonka City Council consented to by adopting Resolution No. 2020-029 and extended by Resolution No. 2020-40. The city council has also enacted two emergency ordinances, Ordinance No. 2020-03 and 2020-08, which modify certain licensing and zoning restrictions. Governor Tim Walz has issued 63 executive orders related to the COVID-19 pandemic emergency, including Executive Order No. 20-63 and a Stay Safe Plan, under which bars and restaurants are able to partially open to the public, subject to restrictions. This emergency ordinance is further regulatory action in accordance with Section 900 of the City Code to help mitigate the effects of the local emergency upon the community.

#### **Section 2. Temporary Outdoor Dining Permits**

2.01. Administrative temporary outdoor dining permits. For the duration of this ordinance, the community development director is authorized to administratively issue a temporary outdoor dining permits for a sidewalk café or outdoor eating area that is accessory to a licensed restaurant. The permit may allow for the establishment of a new outdoor eating area or expansion of an existing outdoor eating area on areas adjacent to the restaurant, including use of parking spaces or portions of a public sidewalk or public right of way. No outdoor eating area may be established or expanded into an area that would interfere unreasonably with pedestrian or vehicular movement in the vicinity or interfere with access by emergency vehicles.

2.02. Permit conditions. The community development director shall establish minimum requirements for temporary outdoor eating areas to protect the public health and safety, to ensure compliance with state liquor law requirements, if applicable, and to ensure that the use is conducted in accordance with applicable executive orders and guidance issued by the State of Minnesota, as those executive orders and guidelines may be modified during the duration of this ordinance. Upon written notice to the permit holder, the community development may modify the conditions of a permit at any time to address changes in state executive orders or guidance that occur after the permit has been issued. A permit to use a public sidewalk or public right of way for outdoor dining must be conditioned upon execution of an agreement to defend and indemnify the city against claims and may not be issued without the consent of the public works director. The community development director shall have the authority to revoke a temporary outdoor dining permit for violation of any of the permit's conditions of approval.

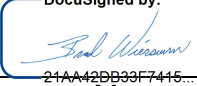
#### **Section 3. Effect**

This emergency ordinance supersedes inconsistent or conflicting provisions of the City Code and any resolution or ordinance while this emergency ordinance remains in effect. Any temporary outdoor dining permit issued prior to the effective date of this ordinance is ratified on the condition that the permit is made subject to this ordinance.

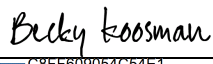
**Section 4. Duration**

This emergency ordinance is effective immediately upon adoption and shall expire sixty-one (61) days after its effective date or upon the expiration of the local emergency to which it relates, whichever comes first.

Adopted by the city council of the City of Minnetonka, Minnesota, on June 8, 2020.

DocuSigned by:  
  
21AA42DB33F7415...  
Brad Wiersum, Mayor

Attest:

DocuSigned by:  
  
C8FF609054C54E1...  
Becky Koosman, City Clerk

**Action on this Ordinance:**

Date of introduction:	Not applicable
Date of adoption:	June 8, 2020
Motion for adoption:	Kirk
Seconded by:	Schack
Voted in favor of:	Carter-Calvert-Schaeppi-Coakley-Kirk-Schack-Wiersum
Voted against:	None
Abstained:	None
Absent:	None
Ordinance adopted.	

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on June 8, 2020

\_\_\_\_\_  
Becky Koosman, City Clerk

\_\_\_\_\_  
The ~~stricken~~ language is deleted; the underlined language is inserted.

CITY OF MINNETONKA  
14600 MINNETONKA BLVD.  
MINNETONKA, MN 55345

NOTICE OF ADOPTION OF ORDINANCE NO. 2020-13

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on June 8, 2020, the Minnetonka City Council adopted Ordinance No. 2020-13, "An Emergency Ordinance relating to outdoor dining" ("the Ordinance"). The Ordinance authorizes the community development director to administratively issue temporary permits for outdoor dining areas that are accessory to a licensed restaurant, subject to conditions and requirements to protect public health and safety, ensure compliance with state liquor laws as applicable, and ensure compliance with state executive orders and pandemic guidelines.

A full copy of the Ordinance is available on the city's website ([www.minnetonkamn.gov](http://www.minnetonkamn.gov)). A copy may also be obtained by standard or electronic mail by contacting the city clerk at 952-939-8200 or [bkoosman@minnetonkamn.gov](mailto:bkoosman@minnetonkamn.gov).

DocuSigned by:

*Becky Koosman*

C8FF669054C54E1...

Becky Koosman, City Clerk